



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Matthew D. Putnam et al. Art Unit : 3731
Serial No. : 10/073,942 Examiner : David Owen Reip
Filed : February 14, 2002
Title : VOLAR FIXATION PLATE

Commissioner for Patents
Washington, D.C. 20231

SECOND DECLARATION OF MATTHEW D. PUTNAM UNDER 37 C.F.R. §1.131

I, Matthew D. Putnam, hereby declare as follows:

1. I am a co-inventor of claims 1-40 in the above-referenced patent application.
2. In an Office Action dated January 30, 2006, claims 1-8, 33, and 38 were rejected under 35 U.S.C. §102(e) as being anticipated by Orbay et al. (U.S. Patent No. 6,440,135).
3. The application that eventually issued as the Orbay et al. patent has an actual filing date of December 12, 2000 and an effective filing date of February 1, 2000.
4. Prior to February 1, 2000, and thus necessarily before the effective filing date of the Orbay et al. patent, my co-inventors and I performed work in this country to conceive and reduce to practice the invention recited in claims 1-40 of the above-referenced application, as evidenced by the following three x-rays of the same patient.
5. The first x-ray shows an antero-posterior (from the palm side) radiographic image of a volar fixation plate as claimed in claims 1-40 implanted to manage a fracture of the distal radius. The volar fixation plate shown in this x-ray has fixed angle tines as well as proximal and distal bone screws for fixation.
6. The second x-ray shows a lateral radiographic image of the same volar fixation plate shown in the first x-ray. The second x-ray shows the fixed angle tines and the bone screws.

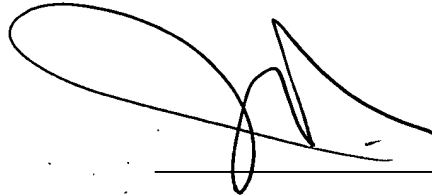
7. The third x-ray shows an antero-posterior (from the palm side) radiographic image of a drill guide that can be used when preparing the bone for implanting the volar fixation plate and times.

8. The attached three x-rays were all obtained on the same day and were obtained prior to February 1, 2000. The confidential patient information has been blocked out in each of the attached x-rays.

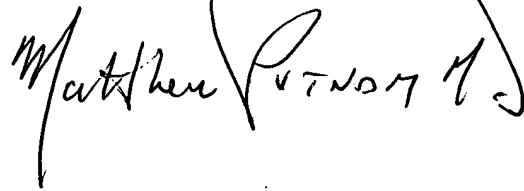
9. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

MARCH 6TH, 2006

Date



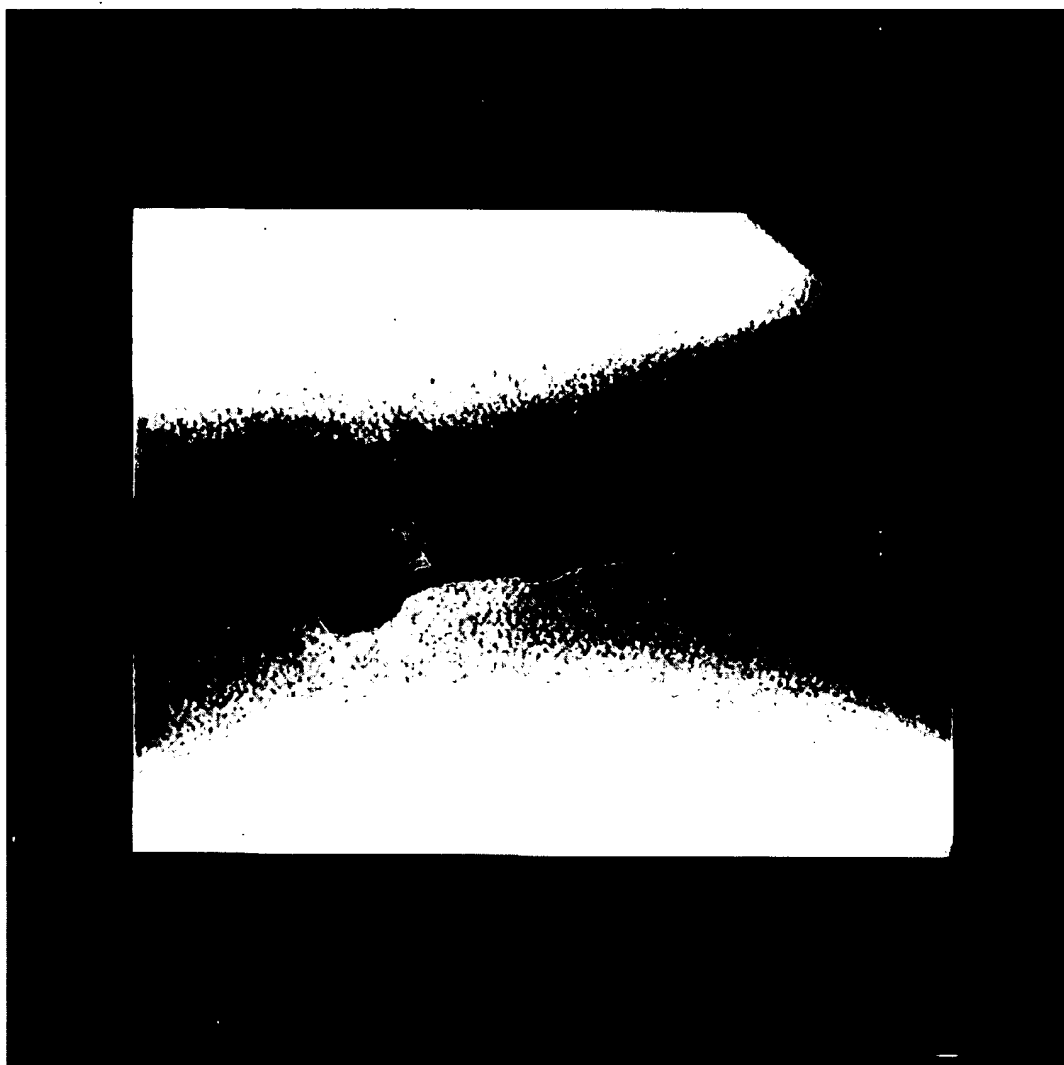
Matthew D. Putnam, M.D.





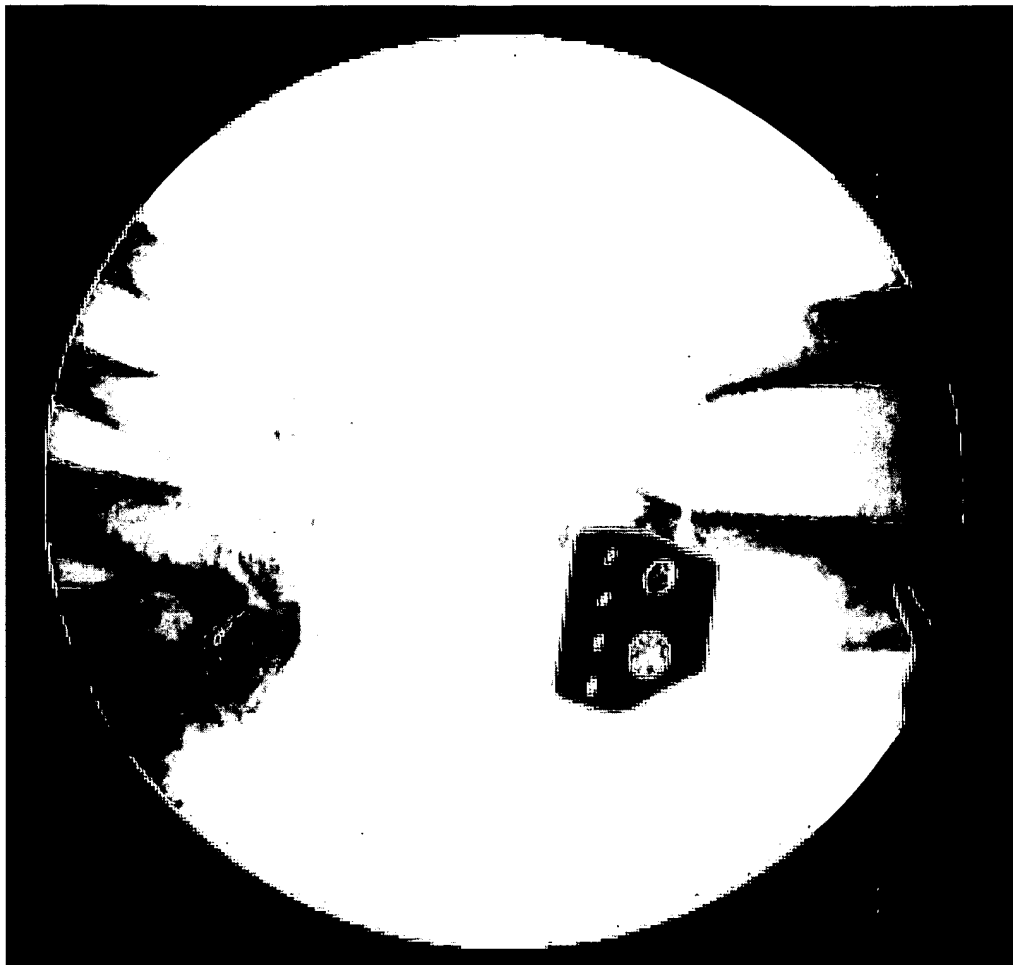
X-RAY 1

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X-RAY 2

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X-RAY 3

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